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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David ELDER, et al.

Appln No.: 10/708,739

Filed: March 22, 2004

TC/AU: 2838

Examiner: Tibbits, Pia F.

Atty. Docket No.: RP-002

**RESPONSE TO RESTRICTION
REQUIREMENT**

**For: MULTIPLE BATTERY SYSTEM AND
NETWORK CONTROLLED MULTIPLE
BATTERY SYSTEM**

Customer No:

34253

PATENT TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir(s):

In response to the restriction requirement set forth in the Office Action mailed July 8, 2004 (Paper No. 20040712), applicant hereby provisionally elects Group I, claims 1-29, directed to a multiple battery system, in class 320, subclass Dig 18, as the elected claims, with traverse. Applicants note their right to pursue the non-elected inventions through any and all divisional and continuation applications in accord with MPEP §§201.06(c), 601.01 and without disclaimer of subject matter and pursuant to the provisions of MPEP §804.1 and 35 USC 121.

In responding to this restriction requirement with traverse, Applicants' grounds for traversal reside in the citation in Paragraph 2 of the Action of the laws governing restrictions in design applications. The instant application is a regular utility application not a design application, therefore, it is respectfully submitted that the proper citation for

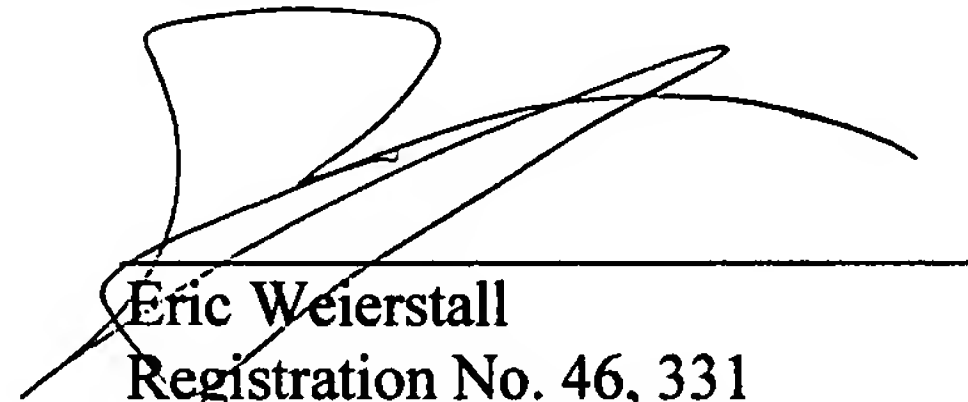
the restriction is, and Applicants' proceed on the grounds that the Action intended to apply, the rules set forth in MPEP §803. Applicants' therefore understand the Action as intending to assert that these groups are patentably distinct inventions under the provisions of MPEP § 806.05 and related under MPEP §806.05(c) as combination/sub-combinations. Barring an appropriate alternate reason for restriction, if the Applicants understanding is correct, then Applicant hereby withdraws their traversal of the restriction.

Applicant believes no fee is due with this response. Should the Examiner believe a teleconference would advance the prosecution of the application, the Examiner is encouraged to telephone the undersigned counsel to arrange such a conference.

Date:

July 21, 2004

Respectfully Submitted,



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